

COPY

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2014-00017-PLG
(Division Case# KY-14-05-0001-CE, KY-14-09-0004-CE,
KY-14-09-0007-CE, KY-14-11-0003-CE, KY-14-11-0004-CE)

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

LARRY J. CARTER

RESPONDENT

* * * * *

1. The Department of Housing, Buildings and Construction, Division of Plumbing ("DHBC") regulates and licenses master plumbers and journeyman plumbers under KRS Chapter 198B, KRS Chapter 318, and 815 KAR Chapter 20, and enforces all statutes, regulations, and applicable code requirements related to plumbing work in the Commonwealth of Kentucky.

2. Larry J. Carter ("Respondent") was, at all relevant times herein, a Kentucky resident, located at

3. Respondent's last Kentucky Master Plumber's License #M6936 and last Kentucky Journeyman Plumber's License #J12654 expired on March 31, 2014, and were not renewed.

4. On September 4, 2014, the DHBC investigated the plumbing work Respondent performed at a beauty salon at 208 Legend Drive, Lexington, Kentucky (a commercial property), specifically, the installation of four shampoo bowls, a service sink, and a water heater. As a result of that investigation, DHBC found that Respondent

did not apply for or obtain a permit for the work; Respondent did not submit plans and specifications for prior approval; Respondent did not have the work inspected; Respondent performed the plumbing work without a valid plumber's license; Respondent did not have a licensed master plumber connected with the work; Respondent did not have the requisite liability insurance and proof on file in order to do plumbing work; and Respondent held himself out as a licensed master plumber.

5. On September 29, 2014, the DHBC investigated the plumbing work Respondent performed at 801 Marcellus Drive, Lexington, Kentucky (a single-family home), specifically, the installation of a water heater. As a result of that investigation, DHBC found that Respondent did not apply for or obtain a permit for the work; Respondent did not have the work inspected; Respondent performed the plumbing work without a valid plumber's license; Respondent did not have a licensed master plumber connected with the work; and Respondent did not have the requisite liability insurance and proof on file in order to do plumbing work.

6. On November 10, 2014, the DHBC investigated the plumbing work Respondent contracted to perform at the Shell Mart located at 3535 Lexington Road, Versailles, Kentucky (a commercial property), specifically, repair of a shut-off valve and replacement of the drain for the soft drink machine and repair of a toilet. As a result of that investigation, DHBC found that Respondent held himself out as a licensed master plumber, and although Respondent had accepted \$500.00 in payment, Respondent did not perform any work. Respondent did not have a valid plumber's license; Respondent did not have a licensed master plumber connected with the work; and Respondent did not have the requisite liability insurance and proof on file in order to do plumbing work.

7. On November 10, 2014, the DHBC investigated the plumbing work Respondent contracted to perform at 133 Ravenwood Road, Versailles, Kentucky (a single-family home), specifically, repair of the septic system. As a result of that investigation, DHBC found that Respondent held himself out as a licensed master plumber, and although Respondent had accepted \$1,400.00 in payment, Respondent did not perform any work. Respondent did not have a valid plumber's license; Respondent did not have a licensed master plumber connected with the work; and Respondent did not have the requisite liability insurance and proof on file in order to do plumbing work.

8. The failure to obtain permits violated KRS 318.134(1); 815 KAR 20:050 §2; the 2013 Kentucky Building Code 105.1; and the 2013 Kentucky Residential Code R105.1, which require anyone constructing, installing, or altering any plumbing in the Commonwealth of Kentucky to first obtain a permit from DHBC. The failure to obtain inspections of each installation violated 815 KAR 20:150, which requires inspections by DHBC of all plumbing fixtures. The failure to submit plans violated KRS 318.160, which requires plans and specifications for certain work be submitted for prior approval. Engaging in plumbing work without a license violated KRS 318.030 and also KRS 318.110, which requires that any company or any individual principal engaged in the plumbing business have a licensed master plumber connected with the plumbing work. Failure to have liability insurance violated KRS 318.030, which requires any person, firm, or corporation engaging in plumbing to maintain the requisite liability insurance and have proof on file with DHBC. Holding oneself out as a licensed plumber when you are not violated KRS 318.100.

9. The DHBC possesses a range of statutory and administrative authority to address violations of the statutes, regulations, and Kentucky Plumbing Code, including injunctive relief, license revocation, restriction, and suspension, and the imposition of fines in an amount up to \$1,000.00 per violation with each day the violation continues constituting a separate offense. KRS 198B.050(2), 198B.990(1), 318.180, and 318.990.

10. In this case, the DHBC has imposed a fine against Respondent in the amount of ten thousand dollars (\$10,000.00) for the above-referenced violations.

11. In the interest of economically and efficiently resolving the violations described herein, the parties agree as follows:

- a. Respondent agrees to a fine in the total amount of ten thousand dollars (\$10,000.00) for the violation(s) described herein;
- b. Respondent agrees to and shall pay a total fine of \$10,000.00, by paying a minimum of \$500.00 by the first of each month beginning March 1, 2015, until paid in full. Said payment shall be in the form of a certified check or money order made payable to "Kentucky State Treasurer" and mailed to the Department of Housing, Buildings and Construction, Attn: Michael Davis, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601;
- c. Respondent agrees to not apply for plumbing licensure and agrees to a period of ineligibility for plumbing licensure until the fine is paid in full;
- d. After the fine is paid in full, the Respondent shall petition the Plumbing Code Committee if he wishes to renew his plumbing license. Respondent shall also comply with all statutory and

regulatory requirements for renewal set forth in KRS Chapter 318 and 815 KAR Chapter 20;

- e. Respondent shall not engage in plumbing activity in the absence of a license and shall devote the time and resources reasonably necessary to ensure continual and full compliance with the Uniform State Building Code, and all statutory and regulatory requirements set forth in KRS Chapter 318 and 815 KAR Chapter 20; and
- f. The DHBC agrees to pursue no further administrative action against the Respondent based upon the violations described herein.

12. Respondent waives his right to an administrative hearing or to otherwise appeal or set aside this Order.

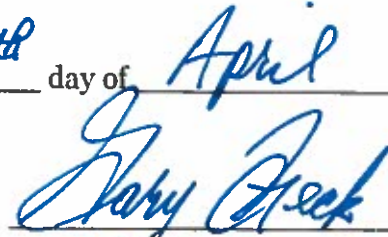
13. Respondent consents to and acknowledges the jurisdiction of the DHBC over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

14. In consideration of execution of this Agreed Order, Respondent for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DHBC, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph or Agreed Order arising out of or by reason of this investigation, this disciplinary action, this settlement, or its administration.

15. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

16. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 9th day of April 2015.



GARY A. FECK
Acting Commissioner
Department of Housing, Buildings
and Construction

Agreed to:

This 13 day of April 2015.



David J. Moore
Director, Division of Plumbing
Department of Housing, Buildings and Construction

Agreed to:

This 9th day of April 2015.



Larry J. Carter

ACKNOWLEDGEMENT

STATE/Commonwealth of Kentucky

COUNTY OF Franklin

On this the 9th day of APRIL 2015, before me LARRY CARTER, the undersigned, Larry J. Carter, did personally appear and entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: Dec 7-5-17

Diane M. Roberts
Notary Public

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing Agreed Order was served via U.S. Postal Service, first class, postage prepaid on this the 13th day of ~~February~~ April 2015, to the following:

Larry J. Carter
125 Maple Avenue
Versailles, KY 40383

Victoria Kadreva Holmes
~~Alea Amber Arnett~~ VICTORIA M. KADREVA HOLMES
Assistant Counsel
Office of Legal Services
Department of Housing, Buildings and
Construction
101 Sea Hero Road, Ste. 100
Frankfort, KY 40601
(502) 573-0365 ext. 107
(502) 573-1057 facsimile
~~AmberA.Arnett@ky.gov~~ Victoria.Holmes@ky.gov
Counsel for Complainant